

**Buchanan Ingersoll**  
**Professional Corporation**

One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219-1410

**Fax Number**

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Commissioner for Patents

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FROM: Duane A. Stewart III, Esq. Telephone #: 412 562-1622 Date: October 18, 2004

Additional Comments or Instructions:

PTO/SB/97 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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**Buchanan Ingersoll PC**  
ATTORNEYS

One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219-1410  
T 412 562 8800  
F 412 562 1041  
www.buchananingersoll.com

Duane A. Stewart III  
412 562 1622  
stewartda@bipec.com

October 18, 2004

**VIA FACSIMILE ONLY 571-273-0932**

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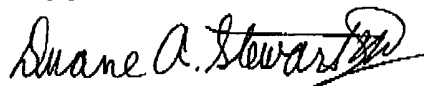
**Attention: Examiner Maryam Monshipouri, Ph.D.**

Re: Response to Notice of Non-Compliant Amendment

Dear Examiner Monshipouri:

Attached is a complete copy of our Response to Notice of Non-Compliant Amendment. The Response was sent to the USPTO by United States Express Mail on August 3, 2004, and the attached postcard indicates that the package was received that same day. Please contact me if I may be of further assistance.

Very truly yours,



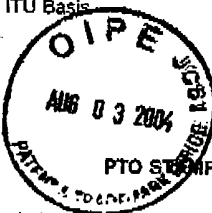
Duane A. Stewart III  
Reg. No. 54,468  
BUCHANAN INGERSOLL PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219  
Telephone: (412) 562-1622  
facsimile: (412) 562-1041

DASIII/emp  
Enclosure

Serial No.: 10/045,072 Filing Date: 1/15/02 BIPC File No.: 031048  
Title: Pyruvate Carboxylase From Corynebacterium glutamicum  
Applicant: Sinsky, et al. Date: August 3, 2004  
The PTO has received:  
☐ Patent Application of \_\_\_\_\_  
    Pages (including claims & abstract)  
    ☐ Declaration or ☐ Designation Sheet  
☐ Drawings \_\_\_\_\_ Sheet(s)/Figs. \_\_\_\_\_ to \_\_\_\_\_  
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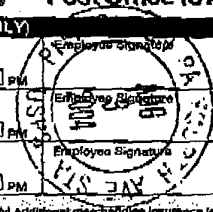

☐ ITU Basis



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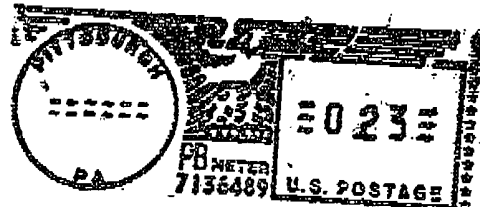
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FROM: (PLEASE PRINT) <span style="font-size: 1.2em; font-weight: bold;">Duane A. Stewart III, Esq.</span> <span style="font-size: 1.2em; font-weight: bold;">BUCHANAN INGERSOLL PC</span> <span style="font-size: 1.2em; font-weight: bold;">301 GRANT ST FL 18</span> <span style="font-size: 1.2em; font-weight: bold;">1 OXFORD CENTRE</span> <span style="font-size: 1.2em; font-weight: bold;">PITTSBURGH</span>				MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			
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FILE 7843

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Serial No.: 10/045,072 Filing Date: 1/15/02 BIPC File No.: 031048  
Title: Pyruvate Carboxylase From Corynebacterium Glutamicum  
Applicant: Sinskey, et al. Date: August 3, 2004  
The PTO has received:  
☐ Patent Application of \_\_\_\_\_ ☐ TM Application ☐ ITU Basis  
    Pages (including claims & abstract) ☐ Statement of Use  
    ☐ Declaration or ☐ Designation Sheet ☐ Extension of Time  
☐ Drawings \_\_\_\_\_ Sheet(s)/Figs. \_\_\_\_\_ to \_\_\_\_\_ ☐ Notice of Appeal  
☐ Priority Document ☐ Brief  
☐ Small Entity Declaration ☐ Petition  
☐ Assignment & Conveyance Cover Sheet ☐ Status Request **PTO STAMP**  
☐ Information Disclosure Statement ☐ Issue Fee  
☒ ~~Response~~ Response to Notice ☐ Application for Renewal  
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301 Grant Street, 20th Floor  
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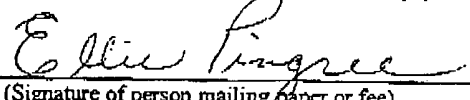


CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER		ATTORNEY'S DOCKET NO. 031048
IN RE APPLICATION OF: Sinskey, et al.		
Serial No.: 10/045,072	Filing Date: January 15, 2002	
Title: Pyruvate Carboxylase From <i>Corynebacterium Glutamicum</i>		
Group Art Unit 1652	Examiner Sinskey, et al.	

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Date of Deposit: August 3, 2004

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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/045,072	
	Filing Date	January 15, 2002	
	First Named Inventor	Sinskey, Anthony J.	
	Art Unit	1652	
	Examiner Name	Monshipouri, Maryam	
Total Number of Pages in This Submission	6	Attorney Docket Number	031048

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Notice of Non-Compliant Amendment Return Postcard Certificate of Express Mailing		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Duane A. Stewart III, Esq.	
Signature	<i>Duane A. Stewart III</i>	
Date	August 3, 2004	

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Signature		Date

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Atty. Ref. No. 031048

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : **PATENT APPLICATION**  
:   
Sinskey, et al. : **PYRUVATE CARBOXYLASE FROM**  
: **CORYNEBACTERIUM GLUTAMICUM**  
:   
Serial No.: 10/045,072 : **Group Art Unit: 1652**  
:   
Filed: January 15, 2002 : **Examiner: Monshipouri, Maryam**  
:   
Pittsburgh, Pennsylvania 15219  
August 3, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

This is filed in response to the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) mailed in the above-captioned application on July 29, 2004, and corresponding to the response to office action filed on July 2, 2004. The Notice requests a complete listing of all claims in ascending numerical order and with proper status identifiers. As requested in the Notice, only the corrected section of the non-compliant amendment document is re-submitted.

Please amend this Application as follows:

The **Re-Submitted Amendments to the Claims** are reflected in the Listing of Claims, which begins on page 2 of this Response.

1 of 4 Pages